

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**MOTION OF PLAINTIFF RIMA WIJAYANTI, PERSONAL REPRESENTATIVE OF
THE HEIRS OF PRATIMO WIRA DEWANTO, TO APPROVE SETTLEMENT**

Plaintiff Rima Wijayanti, by and through her undersigned attorneys, moves this Court for an Order approving the settlement with defendant of the claim relating to the death of Pratimo Wira Dewanto, and in support thereof states as follows:

FACTS

1. Plaintiff's decedent Pratimo Wira Dewanto was a passenger on board a certain Boeing 737 Max 8 aircraft, registration PK-LQP ("the accident aircraft") being operated by Lion Air as Flight JT610 from Jakarta to Pangkal Pinang, Indonesia on October 29, 2018 ("the accident flight").

2. This matter is a wrongful death and survival action arising from the deaths of plaintiffs' decedents following the subject aircraft's crash into the Java Sea on October 29, 2018 during operation of the subject flight.

PLAINTIFFS' ALLEGATIONS

3. Plaintiffs filed a complaint based on products liability and negligence against defendant The Boeing Company (“Boeing”).

4. Plaintiffs allege that defendant Boeing designed, manufactured, assembled and sold the accident aircraft and prepared and provided an Aircraft Flight Manual (AFM) for the accident aircraft.

5. Plaintiffs allege that the accident aircraft was defective, in that among other defects, sensors on the accident aircraft were subject to failure and to providing erroneous information to the accident aircraft's flight control system and that, in the event erroneous information was provided as to angle of attack, a flight control system would cause the accident aircraft to go into an uncommanded nose down position. Plaintiffs further allege defendant's AFM did not warn of this danger or provide proper instruction as to responding to such an event.

6. Plaintiffs allege that as the direct and proximate result of the defective and unreasonably dangerous condition of defendant Boeing's accident aircraft and AFM and defendant Boeing's negligent acts and omissions, the accident aircraft violently crashed into the Java Sea, causing plaintiffs' decedents, and all others onboard, to expire.

7. Plaintiffs allege as a direct and proximate result of the defective and unreasonably dangerous condition of defendant Boeing's accident aircraft and AFM and defendant Boeing's negligent acts or omissions, plaintiffs and other heirs and next of kin of the decedents suffered loss of support, loss of net accumulations, loss of household services, loss of care, comfort, companionship, guidance, and society and mental anguish, sorrow and grief as the result of the deaths of plaintiffs' decedents.

PLAINTIFF'S DAMAGES

8. The decedent was 43 years old. He was employed as tax auditor by the Republic of Indonesia and was earning app. \$26,310 per year.

9. The decedent is survived by his wife, the plaintiff Rima Wijayanti, age 37, and his daughter, Felicia Balqis Wijanarko, age 9.

DEFENDANT'S DEFENSES

10. Defendant Boeing denies that the accident aircraft was defective and further denies that any act or omission by it proximately caused this crash.

SETTLEMENT AGREEMENT

11. Counsel for this plaintiff and counsel for defendant engaged in a mediation before retired Cook County Circuit Court Chief Judge O'Connell and have reached an agreement to settle the claims of this plaintiff against defendant.

12. As a condition of the settlement, plaintiff has agreed to keep the amount of the settlement confidential.

13. In negotiating this settlement, plaintiffs' counsel considered the strength of plaintiff's action against this defendant and the defendant's defenses, including its potential *forum non conveniens* defense.

14. Plaintiffs' counsel is experienced in the representation of families of victims of international airplane accidents. Specifically, plaintiff's counsel has represented Indonesian victims of eight other fatal air crash accidents occurring in Indonesia. Plaintiff's counsel believes the settlement amount is fair and reasonable under all the above-stated considerations.

15. The mediator Judge O'Connell has a great deal of experience as a judge in aviation matters and this mediator also believes this is a reasonable settlement.

16. Plaintiff's counsel has fully explained all the above facts to plaintiff and plaintiff agrees that the settlement amount is fair and reasonable and plaintiff seeks the Court's approval of this settlement.

WHEREFORE, plaintiff prays that this Court enter an Order:

1. approving the settlement of the claims of plaintiff against defendant;
2. dismissing this action with prejudice and without costs against defendant and retaining jurisdiction to effectuate settlement; and
3. providing plaintiff with such other relief as this Court may deem just.

Dated: November 13, 2019

Respectfully submitted,

/s/Floyd A. Wisner
Attorney For Plaintiffs

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CERTIFICATE OF SERVICE

Floyd A. Wisner, an attorney, certifies that he served Plaintiff Rima Wijayanti's Motion to Approve Settlement upon all counsel of record via CM/ECF on November 13, 2019.

/s/Floyd A. Wisner